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U.S. Federal Radio Commission

Practice and procedure before the Federal Radio...

Washington

1930

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PRACTICE *and* PROCEDURE

BEFORE THE

FEDERAL RADIO COMMISSION

WASHINGTON, D. C.

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PRACTICE *and* PROCEDURE

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FEDERAL RADIO COMMISSION

WASHINGTON, D. C.

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1930

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Harold A. Lafount.
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Ira E. Robinson.

James W. Baldwin, *Secretary.*

Thad H. Brown, *General Counsel.*
Ben S. Fisher, *Assistant General Counsel.*
Duke M. Patrick, *Assistant General Counsel.*
Paul D. P. Spearman, *Assistant General Counsel.*
C. B. Jolliffe, *Chief Engineer.*
V. Ford Greaves, *Assistant Chief Engineer.*

FEDERAL RADIO COMMISSION

Washington, D. C.

GENERAL ORDER No. 93

At a session of the Federal Radio Commission held at its offices in Washington, D. C., on the 25th day of June, 1930,

It is Ordered that the following rules and regulations pertaining to practice and procedure before the commission be, and the same are hereby, adopted.

It is Further Ordered that all general orders or parts thereof and all rules and regulations in conflict therewith be, and the same are hereby, repealed.

It is Further Ordered that this general order be effective on September 1, 1930.

Federal Radio Commission,
By James W. Baldwin,
Secretary.

PRACTICE AND PROCEDURE BEFORE THE FEDERAL RADIO COMMISSION

Subtitle A.—GENERAL

SECTION 1. **Office of the commission.**—The principal office of the commission shall be located at Washington, D. C. Except for Sundays and legal holidays throughout the year and except for Saturdays after 1 o'clock p. m. during the period from June 1 to October 1 (both inclusive), the office will be open every day from 9 a. m. to 4.30 p. m.

SEC. 2. **Meetings of the commission.**—All meetings of the commission, unless otherwise determined by a majority of its members, shall be held at the principal office of the commission. The commission will, however, meet at another place if so determined by a majority of its members and may, by one or more of its members, or by such examiner or other employee as it may designate, hold hearings, conduct investigations, and prosecute any inquiry necessary to its duties at any other place.

SEC. 3. **Secretary to sign instruments of authorization and orders.**—All instruments of authorization granted by the commission and all orders issued by it shall, unless otherwise specifically provided by order of the commission, be signed by the secretary in the name of the commission.

SEC. 4. **Official record.**—The official record of any action of the commission, other than in connection with or as the result of hearings on applications or revocation proceedings, shall be the minutes of such session, kept by and in the custody of the secretary. The official record of any action by the commission made in connection with or as the result of any such a hearing, shall be the order of the commission entered and filed in the appropriate hearing docket file. Such official records shall be subject to inspection at the office of the secretary during business hours.

SEC. 5. **Files.**—The files of the commission shall not be open to inspection by the public except as follows:

(*a*) Hearing docket files shall be open to inspection by anyone.

(*b*) Copies of current permits, licenses, and other instruments of authorization shall be open to inspection by anyone having a legitimate interest therein.

(*c*) Applications shall be open to inspection by the applicant himself or by any parties interested in the granting or denial of said applications.

SEC. 6. **Seal.**—The seal of the commission shall be affixed to all permits, licenses, and other instruments of authorization granted, and all orders issued by, the commission.

SEC. 7. **Certified copies.**—A copy of any instrument or authorization granted by the commission, or of an order issued by the commission, or of any public record of the commission, will be certified to by the secretary of the commission under its seal. Any cost that may be necessary in preparing such copy shall be prepaid by the person requesting it.

SEC. 8. **Official reporter.**—The commission will designate from time to time an official reporter for the taking down and transcribing of its proceedings. No transcript of the testimony taken or argument had at any hearing held by the commission will be furnished to any party or to any other person by the commission; such transcript must be obtained directly from the official reporter.

SEC. 9. **Copies.**—Where, under these regulations, any document is permitted or required to be filed in connection with any hearing, it shall be necessary to file the same in duplicate unless otherwise expressly provided.

SEC. 10. **Additional time to parties in certain cases.**—Where, under these regulations, any limitation is made as to the time within which any document is required to be filed, or any other procedural step is required to be taken in connection with any hearing, parties who are residents of the fifth zone shall have an additional period of five days and parties who reside beyond the confines of the continental United States shall have an additional period of 20 days within which to file such document or take such other procedural step.

SEC. 11. **Attorneys.**—Any party to a proceeding before the commission may appear and be heard in person, by agent with power of attorney, or by attorney at law. All attorneys at law appearing must conform to the standard of ethical conduct required of practitioners before the courts of the United States.

Subtitle B.—ACTION ON APPLICATIONS

SECTION 1. **Applications returned without action.**—Any application which is not filed in accordance with the commission's regulations or, if properly filed, does not comply with the regulations with respect to the form used, manner of execution, completeness of answer to questions, or any other information required will not be entered on the records of the commission or considered by the commission. Each such application shall be returned to the applicant by the secretary of the commission together with a brief statement of the respect in which the application is defective.

SEC. 2. **Refiling of applications.**—Upon the return of any such defective application, as provided in section 1, the applicant may either (*a*) correct the defective application and refile the same, or (*b*) if it is nevertheless believed to be sufficient, he may refile it without correction.

SEC. 3. **Applications denied without hearing.**—In the event that any defective application returned to the applicant is refiled without correction, as provided for in subdivision (*b*) of section 2, or where it appears from the face of any application or from any documents accompanying it that the instrument of authorization in question is one which may not be granted by the commission, or that the applicant is not eligible to receive such instrument under the laws or treaties of the United States, or under the terms of these regulations, the commission may deny such application without hearing and the secretary shall promptly mail a written notice of such denial to the applicant setting forth a brief statement of the reasons for such action.

SEC. 4. **Hearings granted where interpretation of law, treaty, or regulation involved.**—In any case enumerated in section 3, where the proper interpretation or application of the laws or treaties of the United States, or the proper interpretation or application, or the validity of the regulations of the commission is involved, the applicant may, by written request filed with the secretary, not later than 15 days from the date of mailing of the notice of denial by the secretary, have his application entered on the hearing docket and obtain a hearing with respect to such question or questions. The applicant shall in such written request specify the respects in which it is believed that the law or treaties or regulations have been wrongly interpreted or applied, or that the regulation is invalid, and the hearing will be limited to the issues thus presented. The time and place of hearing shall be fixed in the same manner as other applications designated for hearing and, pending such hearing, the effective date of the commission's denial shall be postponed to the date of the commission's decision after hearing. The commission may, after hearing or default, again deny the application or may, after hearing, set aside its previous denial thereof and proceed to consider the application on its merits in the same manner as other applications.

SEC. 5. **Applications granted without hearing.**—The commission will grant an application in whole or in part without hearing on the merits if it does not fall within any of the cases covered by sections 1 and 3 of this subtitle, or if it has been determined to be proper

after a hearing pursuant to section 4 and in addition thereto it appears conclusively to the commission from the face of such application, from documents submitted therewith and from such other information as the commission may have—

(*a*) That the granting of such application either in whole or in part would serve public interest, convenience and necessity, and

(*b*) That the granting of such application either in whole or in part would not aggrieve or adversely affect the interest of any person, firm, company, or corporation holding a permit, license or other instrument of authorization from the commission, or having an application therefor pending before the commission.

In any case where the application is for a license or for a modification of license, pursuant to a construction permit previously granted by the commission, such license or modification of license will be granted without hearing if it appears conclusively to the commission that all the terms, conditions, and obligations set forth in the application for construction permit and in the permit have been fully met and that no causes or circumstances have arisen since the granting of such permit which would make the granting of said license or modification of license against public interest.

SEC. 6. **Hearings in cases where applications are granted in part.**—Where any application is granted by the commission in part or with any privileges, terms, or conditions other than those requested pursuant to section 5 and without a hearing thereon, the action of the commission shall be considered as the granting of such application unless the applicant shall, within 15 days of the date of mailing by the secretary of his written notice of such action, file with the commission a written request for a hearing with respect to the part or with respect to the privileges, terms, or conditions not granted. The request for hearing shall be accompanied by a statement in writing of the facts which the applicant expects to prove upon such hearing. Upon the receipt of such request and statement in proper form, the application will be set for hearing in the same manner as other applications are set for hearing and the applicant and other parties in interest notified thereof. Within a period of 10 days from the receipt of such notice of hearing the applicant shall deliver or mail a copy of the statement of facts to be proved by it to all other parties notified of the hearing and shall file with the commission an affidavit stating that this requirement has been met. The evidence to be offered by any applicant upon such hearing shall be limited to the matter contained in the applicant's written statement of facts to be proved by it. Pending such hearing the effective date of the commission's action with respect to such application shall be postponed to the date of the commission's decision after hearing.

SEC. 7. **All other applications designated for hearing.**—In cases where the application is or has, pursuant to section 4 hereof, been determined to be proper upon its face but the commission is unable to determine without a hearing on the merits;

(*a*) That the granting of such application either in whole or in part would serve public interest, convenience, or necessity;

(*b*) That the granting of such application either in whole or in part would not aggrieve or adversely affect the interest of any person, firm, company, or corporation holding a permit, license, or other instrument of authorization from the commission, or having an application therefor pending before the commission,

the commission will designate the same for hearing and the following procedure will govern:

(1) The secretary shall forthwith mail a written notice to the applicant setting forth the action of the commission (together with such statement of the commission's reasons therefor as shall be appropriate to the nature of the application), the time and place for hearing and a list of the other parties notified thereof.

(2) In order to avail himself of the opportunity to be heard, the applicant shall, within 20 days of the mailing of the notice by the secretary, file with the commission a written appearance consisting of a statement of his desire to be heard, together with a statement in writing of the facts which he expects to prove at such hearing and an affidavit showing that a copy of such written statement has been served upon or mailed to all other parties notified of the hearing.

(3) In case no appearance or statement in writing of the facts to be proved upon such hearing is filed by the applicant within the time so specified (or any extension thereof as the commission may grant upon proper showing), the applicant will be defaulted and the application denied without a hearing and the secretary shall so notify the other parties to the hearing.

(4) In case the appearance and statement in writing of the facts to be proved is duly and seasonably filed, the application will be entered upon the hearing docket.

(5) If at the date set for hearing, either originally or as a result of continuances, the applicant does not appear, a default will be entered and the commission will deny the application.

(6) After a hearing has been held in accordance with the foregoing, the commission may grant the application, deny it, or grant it in part, or deny it in part.

(7) A partial denial of any application after hearing thereon shall be considered as a denial of the application.

SEC. 8. **Repetition of applications.**—Where an applicant has more than one application pending for essentially the same instrument

of authorization, with respect to the character of station, type of service and the territory sought to be served, the commission shall determine which of such applications shall be first considered by it. Where an applicant has been afforded an opportunity to be heard with respect to a particular application and the commission has, after hearing or default, denied the application, the commission will not consider or designate for hearing another application by the same applicant, or for his successor or assignee, until after the lapse of periods of time as follows:

(*a*) Where the second application is for exactly or substantially the same instrument of authorization with respect to the privileges, terms and conditions requested, and the territory sought to be served, a period of 12 months must elapse from and after the date of the commission's denial of the first application.

(*b*) Where the second application is for the same kind of instrument of authorization, with respect to type of service and the territory sought to be served, a period of six months must elapse from and after the date of the commission's denial of the first application.

Provided, however, That the foregoing provisions shall have no application where, since the commission's denial of the first application, there has been a material change in the facilities available for designation to the particular service sought to be established in the territory sought to be served.

SEC. 9. **Applications pending appeal from decisions of the commission.**—Where an appeal has been taken from the action of the commission in denying a particular application, the commission will not consider or designate for hearing another application for the same kind of instrument of authorization, with respect to the type of service and territory sought to be served, filed by the same applicant, his successor or assignee, until the final disposition of such appeal, provided, however, that where, pursuant to section 7 of subtitle B, an application is granted in part and denied in part and the applicant desires to utilize the partial grant and to contest the partial denial, any such applicant shall be permitted during the pendency of such appeal, and without prejudice thereto, to file such application or applications as shall be necessary or requisite to the utilization, extension, or renewal, but not for a modification of the instrument in the particulars theretofore denied, and the commission will consider and dispose of these applications.

SEC. 10. **Application involving conflicting claims, etc.**—In fixing dates for hearings the secretary will, so far as possible, endeavor to fix the same date for hearings on all related matters which involve the same applicant and for hearings on all applications which by

reason of the privileges, terms, or conditions requested present conflicting claims.

SEC. 11. **Depositions.**—In exceptional cases the commission may, either on its own motion or on written request by a party setting forth the facts which he expects to prove and the causes or reasons for the taking thereof, issue an order directing the time, place, and manner in which the testimony of a witness shall be taken by deposition. Such order shall be served upon all parties to the proceeding in which the deposition is to be used, and such deposition, when not otherwise directed, shall be taken, transcribed and executed in the usual manner before any officer having power to administer oaths. The time within which any such deposition shall be filed with the commission shall be fixed in the order directing the taking thereof.

SEC. 12. **Witnesses and subpœnas.**—Subpœnas may be issued by the commission or any member thereof or by an examiner appointed by the commission to compel the attendance of any witness at any hearing or at the taking of any deposition, or to compel the production of any document. Service of any such subpœna may be made by any United States marshal or by his deputy or by any citizen of the United States competent to be a witness. If service is made by a United States marshal or by his deputy, his service shall be evidenced by his return thereon; if made by any other person by his affidavit stating the manner in which service was made, which affidavit shall be attached to and returned with the original subpœna. Witnesses who attend any hearing or the taking of any deposition in answer to a subpœna are entitled to and shall receive the same fees and mileage as are paid for like services in the courts of the United States, such sum to be paid by the party at whose instance the testimony is taken.

SEC. 13. **Opening and closing.**—In each formal hearing held on an application for an instrument of authorization, the applicant shall have the opening and closing of the evidence and argument, if any. In each formal hearing held on an order of revocation the commission shall have the opening and closing. In cases where the foregoing rules are inapplicable under the issues to be presented, the commission or the person conducting the hearing may fix the order of procedure.

SEC. 14. **Amendments.**—Where no prejudice results to other parties, a party will be permitted to amend his application, answer, or other pleading at any time prior to the conclusion of hearing provided, however, that no amendment of an application for an instrument of authorization as to the frequency, power, hours of operation, equipment, location of station, or points of communication in case of stations

other than broadcasting) will be permitted unless such amendment is filed with the commission not later than 20 days before the hearing date. In all cases where an amendment is made to any application contrary to the foregoing provisions, such amendment shall have the effect or setting aside the assignment for hearing and any such application so amended shall be treated in all respects as an application originally filed. In any case where an application is amended in the particulars above enumerated the secretary shall notify all parties affected thereby.

Subtitle C.—REVOCATION PROCEEDINGS

SECTION 1. **Revocation proceedings and the conduct thereof.**—Revocation proceedings under section 14 of the radio act shall be governed by the following procedure:

(*a*) Such proceedings shall in all cases be initiated by an order of revocation served upon or mailed by the commission to the holder of the license in question directing him to appear upon a date certain not less than 30 days after receipt of such notice and show cause why such order of revocation should not be made effective. This order of revocation shall be accompanied by a written statement of the cause for such proposed revocation.

(*b*) Either the respondent or any person in interest who would be aggrieved by any such revocation will be accorded an opportunity to appear and be heard in opposition to such order if, prior to the hearing date therein fixed, such respondent or other person shall deliver to the commission a written application therefor.

(*c*) Upon the filing of any such application the order of revocation shall stand suspended until the conclusion of the hearing herein provided for and the decision of the commission thereon; and the commission will forthwith fix the date for hearing and shall immediately mail a written notice of the time and place for such hearing to respondent and to all parties known to be interested in such license. The date fixed for hearing shall not be earlier than 30 days from the mailing of the notice thereof as herein provided.

(*d*) Not later than 20 days after date of mailing of the notices of hearing, respondent shall file with the commission an answer executed and sworn to by a person having knowledge of the facts, in which answer the allegations of the statement of cause for revocation shall be specifically and in detail denied or explained as the case may be. Any person other than the respondent may likewise file an answer within the same time and upon the same terms and conditions. Evidence to be introduced upon such hearing will be limited to the issues formed by the commission's statement of cause for revocation and the answers filed thereto, and in case no such answer

is filed within the period herein fixed or such extension thereof as the commission may allow, an order of default will be entered, no hearing will be held, and an absolute order of revocation will be issued forthwith.

(*e*) After hearing has been held in accordance with the foregoing, the commission may affirm or revoke such order of revocation.

Subtitle D.—FORMAL HEARINGS AND THE CONDUCT THEREOF

SECTION 1. **Parties to hearings.**—All persons who are permitted to be heard in support of any application made by them shall be referred to as "applicants." All persons who are permitted to be heard in opposition to any application or licensees against whom revocation proceedings are instituted shall be referred to as "respondents." All persons, firms, companies, or corporations holding permits, licenses, or other instruments of authorization from the commission, or who have applications pending before the commission who would be aggrieved, or whose interests would be adversely affected by the granting of any application designated for hearing, shall constitute proper parties respondent and shall be notified of any such hearing.

SEC. 2. **Commission a party.**—The commission, represented by its general counsel or such assistants as he may designate, shall be a party to every formal hearing to the extent that in its judgment such participation is necessary to carry out the intent of the laws and treaties of the United States and of these regulations.

SEC. 3. **Intervention.**—Any governmental department or officer, any person, firm, company, or corporation, or any State or political subdivision thereof may, at any time, more than 10 days prior to the date of any hearing, file with the commission a petition to intervene therein in support of or in opposition to any application designated for hearing. If the petition discloses a substantial interest in the subject matter of the hearing the commission will grant the same and permit the petitioner to be heard at such hearing subject to regulations hereinafter imposed.

SEC. 4. **Taking of testimony and argument.**—In case of any formal hearing herein provided for the testimony may be taken before a quorum of the commission, before less than a quorum of the commission or before any examiner appointed by the commission in the discretion of the commission, as follows:

(*a*) In the event that the testimony is taken before the commission it may be followed by oral argument by the parties or by the filing of briefs, or both, at the discretion of the commission, and the case shall thereafter be decided by the commission on the basis of the testimony heard and the proceedings had.

(*b*) In the event that the testimony is taken before less than a quorum of the commission or before an examiner, the testimony, duly transcribed, shall be reported back to the commission by the person or persons conducting such hearing together with a written report containing recommendations as to the decision to be made thereon and the facts and grounds upon which such recommendation is based. A copy of such report shall be mailed by the commission to each party participating in the hearing, and such party or parties shall have the right, providing the same is exercised within a period of 15 days from the mailing of such report, to file exceptions to said report. Such exceptions shall point out with particularity the alleged error in said report and shall contain specific reference to the page or pages of the transcript of hearing or report referred to. In case any party filing an exception to a report desires oral argument thereon, he shall accompany the exceptions with a written request for such argument before a quorum of the commission and shall file therewith an affidavit stating that a copy of such exceptions and request for oral argument has been mailed to or served upon every other party participating in the hearing. Upon receipt of such request and affidavit, the commission may in its discretion fix a time for such oral argument to be held at its office in Washington, D. C., and give adequate notice to all parties participating in the hearing or it may consider and decide such matter without argument.

SEC. 5. **Continuances.**—Continuances of date of hearing, extensions of time for filing documents required to be filed, or for the taking of any other step in connection with any hearing, may be granted for reasons such as are usually considered sufficient for analogous continuances and extensions in the courts of the United States, providing, however, that request for such shall be made in writing setting forth the reasons therefor, and the additional time required, and provided, further, that such requests shall be made at a time and in such manner as to avoid unnecessary hardship or expense to other parties to the proceeding.

SEC. 6. **Briefs.**—Whenever consent is given to the filing of any briefs in connection with any hearing, 10 copies shall be filed with the commission within 20 days from the date on which hearing of testimony is concluded unless upon an affirmative showing the commission fixes a longer period. Each other party shall have 10 days from the filing of such brief within which to file an answer brief to any brief filed by such party. At or prior to the date fixed for filing any brief, the party filing the same shall serve or mail at least one copy thereof to every other party to the proceeding and no briefs

will be accepted or considered by the commission unless accompanied by an affidavit to the effect that this requirement has been met.

SEC. 7. **Documents to be typewritten or printed.**—All pleadings, briefs, or other documents filed in connection with any hearing shall be printed or typewritten with such type and on such quality of paper as shall be easily legible. The commission reserves the right to refuse to receive or consider any document that does not meet this requirement.

SEC. 8. **Evidence.**—Except as hereinafter stated the rules of evidence governing civil proceedings in the courts of the United States shall govern formal hearings before the commission, any commissioner or examiner, provided, however, that the commission reserves the right to relax such rules in any case where in its judgment the ends of justice will be better served by so doing.

(*a*) In any hearing on an application for an instrument of authorization the following records of the commission shall be considered as a part of the record without special request or offer by any party unless otherwise stated in the transcript;

(1) A list of all stations, together with their authorized power, frequency, and hours of operation, licensed in the band of frequencies [1] in which authorization to operate is sought;

(2) A list of all applications pending at the date of said hearing with respect to any station seeking to operate in said band;[1]

(3) Such of the commission's published rules, regulations and general orders as have to do with the band of frequencies in question and with the services permitted in such band.[1]

(*b*) Copies of reports of any governmental department or agency made by an employee thereof in the course of his duties in so far as they are material shall be admissible in evidence without further authentication than a statement from the proper custodian of any such record or from the person compiling the same that the copy in question is a true copy of such record and that the record is what it purports to be.

(*c*) Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant and not intended to be put in evidence, such document will not be received but the party offering the same shall present to opposing counsel and to the commission the original document together with true copies of such material and relevant matter taken therefrom as it is desired to introduce. Upon presentation of such

[1] "Band" or "band of frequencies" as used herein shall be taken as referring to the major bands, namely, low (10 to 100 kilocycles), medium (100 to 550 kilocycles), broadcast (550 to 1,500 kilocycles), medium high (1,500 to 6,000 kilocycles), high (6,000 to 30,000 kilocycles), and very high (above 30,000 kilocycles).

matter in proper form it may be received in evidence and become a part of the record, provided, however, that opposing counsel shall be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

(*d*) Except as herein otherwise expressly provided no document or exhibit or a part thereof shall be received as or admitted in evidence unless the offer in evidence is accompanied by a tender of the original and a full, true, and correct copy or a full, true, and correct copy of such document or exhibit in duplicate.

(*e*) Except as herein expressly stated, unsworn documents and oral declarations will not be received in evidence.

(*f*) The introduction of merely cumulative evidence shall be avoided and the commission reserves the right to limit the number of witnessess that may be heard in behalf of a party on any issue.

(*g*) Any party desiring to present his case in whole or in part by affidavit may do so by adhering to the following procedure:

(1) Affidavits must be limited to material facts personally known to affiants and must not contain expressions of opinion, argument, or conclusions;

(2) Only the affidavits of parties and their respective agents and employees will be received;

(3) Copies of all affidavits intended to be used in any hearing must be served upon or mailed to the commission and all parties notified of the hearing not less than 15 days prior to the hearing date and no affidavits will be received or considered by the commission unless accompanied by a further affidavit by the party, his agent or attorney, stating that this requirement has been met;

(4) Any party to a hearing may, upon the receipt of a copy of an affidavit from any other party, as provided in the foregoing subparagraph (3), prepare and file counteraffidavits which shall be limited in their scope to an explanation or denial of the facts alleged in the affidavits to which they relate.

Subtitle E.—INFORMAL HEARINGS AND THE CONDUCT THEREOF

SECTION 1. **Method of obtaining and procedure.**—The commission may upon petition by any person or upon its own motion hold such informal hearings as it may deem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties, or the formulation or amendment of its rules and regulations. For such purposes it may summon witnesses and require the production of testimony as in formal hearings but

the procedure to be followed shall be informal and such as in the opinion of the commission will best serve the purposes of such hearing.

Subtitle F.—PREPARATION OF RECORD ON APPEAL

SECTION 1. **Preparation and stipulation by general counsel.**—Where an appeal is taken from a decision of the commission to the Court of Appeals of the District of Columbia or to a district court in the United States, the record required to be filed in such court by section 16 of the radio act of 1927 shall be prepared under the supervision of the general counsel of the commission and shall be certified by the secretary of the commission. The general counsel shall have power to stipulate with the appellant to such extent as may be necessary to omit unnecessary matter from the record provided that the interests of neither the commission nor of any other party to the record is adversely affected by such omission.

SEC. 2. **Stipulation between parties.**—Where the case has been in its essential nature a controversy between two or more parties and no interest of the commission or of the public is involved, the general counsel will observe and give effect to any stipulation entered into between the parties as to what matters shall or shall not be included in the record.

Subtitle G.—GENERAL ORDERS

SECTION 1. **Scope, promulgation, and effective date.**—Such action by the commission as affects a large number of persons and does not arise out of a formal hearing, such as the enactment of further regulations or as an amendment to these regulations, shall be taken by general order which shall be promptly promulgated by the secretary, shall be numbered serially and shall bear both the date of adoption and the effective date.

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